

ARGUMENT

Claims 1-11, 14 and 16 remain in the application. Claims 1, 3, 11, 14 and 16 have been amended.

The Examiner objected to the drawings because they did not support the limitation of Claim 14. Claim 14 has been amended to remove any limitation not supported by the drawings, and as such, the Examiner is requested to withdraw the objection to the drawings.

The Examiner has rejected Claims 1-11 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,076,111 (Love). Applicant traverses this rejection on the grounds that Love does not teach each and every limitation of the original claims or the currently amended claims.

Love teaches a modular drive axle having a three-speed transmission. In Figures 1 and 2, there is shown a transmission 28 housing rigidly attached to an emergency brake housing 32 rigidly attached to a differential housing 24. It is clear from Figure 2 that the transmission housing 28 through which input shaft 58 passes is rigidly attached to the break housing 32 where output shaft 26 engages input shaft 58. Likewise, the differential housing 24 that receives input shaft 26 is rigidly attached to break housing 32. Clearly, none of these housings, or gearboxes, rotate relative to one another. The Examiner has stated that in Col. 1 of Love, a swivel divider gearbox is taught. However, Applicant is unable to find any use of the word “swivel” in the Love reference. In contrast, Applicant’s original independent Claims 1 and 3 recite a “swivel” divider gearbox. Applicant has amended the claims to further clarify that the “input” gearbox swivels relative to the “output” gearbox. Such an arrangement is clearly not taught in Love since all of the “gearboxes” are

rigidly attached to one another. Independent Claim 11 has also been amended to clarify the “swivel” nature of the respective gearboxes of Applicant’s invention.

Claim 11 has also been amended to clarify that the angle between the two output shafts of the second gearbox is less than 180°. The swivel gearbox arrangement is specifically for utilization with agricultural mowers and the like, that have multiple power input shafts, typically arranged within 90 degrees of one another. This is in contrast to the drive axle of a vehicle (such as is shown in Love) where opposing drive axles are exactly 180° apart. For this additional reason, the drive axle of Love does not anticipate or render obvious this limitation in Claim 11.

For the foregoing reasons, the Examiner is respectfully requested to withdraw the rejection of Claims 1-11, 14 and 16 and pass these claims to allowance.

The Examiner has also rejected Claims 3 and 16 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent Application 2004/0221558 (Stevenson et al.) in view of U.S. Patent No. 5,186,271 (McLean). Applicant traverses this rejection on the grounds that the combination of references does not teach or suggest each and every limitation of the original claims or the currently amended claims.

Claim 3 clarifies that (i) the first gearbox and the second gearbox are substantially vertically disposed relative to one another, (ii) the first and second gearboxes are pivotable relative to one another and (iii) the second gearbox has at least two outputs. Nothing in Stevenson shows such an arrangement. The Examiner relies on Figure 2 of Stevenson for showing a first and second gearbox with the limitations of the claims, however the Examiner failed to identify these gearboxes by reference number and Applicant is unable to locate two gearboxes in this Figure. At most, Figure 2

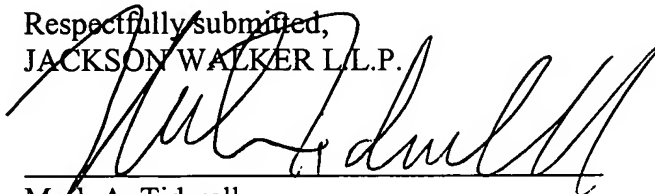
illustrates a single divider gearbox, which, incidentally, is well known in the industry and represents the prior art gearboxes which Applicant's invention improves upon.

In fact, Stevenson actually teaches away from the swivel gearbox arrangement claimed by Applicant. Specifically, Figure 2 is simply provided in Stevenson to illustrate a standard mower/cutter platform 13. The purported novelty of Stevenson is in the power transfer arm 18 shown in Figures 3 and 6. In fact, in Figures 3 and 6, there are shown four right angle gearboxes, each with a single input and single output, linked by universal joints. None of these gearboxes 61, 65, 71 or 75 are arranged in relation to the divider gearbox of Figure 2 as claimed by Applicant. Nor is there any suggestion in McLean of such an arrangement. McLean simply teaches an assembly structure that purportedly compensates for misalignment of input and output shafts of adjacent gearboxes which shafts have been coupled together. Stevenson and McLean both teach away from Applicant's claimed invention by illustrating an elongated power transfer arm (Stevenson, Fig. 3, 6, number 18; McLean, Fig. 1, number 28) that is used to transfer power from a tractor to an implement. Such an elongated power transfer arrangement necessarily requires at least four gearboxes, as is best shown in Stevenson Figs. 3 and 6, thereby promoting an arrangement that is far more complicated than Applicant's invention and leads one of ordinary skill in the art away from Applicant's invention.

For the foregoing reasons, the combination of Stevenson and McLean cannot be said to teach or suggest each and every element of Claim 3 and the Examiner is respectfully requested to withdraw the rejection thereof and pass Claims 3 and 16 to allowance.

The Examiner is authorized to charge any fees arising from the addition of these new claims
to Deposit Account No. 10-0096.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: December 10, 2005



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